IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WA.No. 1086 of 2002

AGAINST THE JUDGEMENT IN OP.26182/2000 Dated 24/01/2002
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APPELLANT/RESPONDENT NO.1

THE CALICUT DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS SECRETARY,
JAYAPRAKASH NARAYAN ROAD, KOZHIKODE - 2.

BY ADV. SRI.K.P.G.MENON,SC,CALICUT DEV.AUTHORITY

RESPONDENTS/PETITIONERS & RESPONDENTS NO. 2 AND 3
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1. ANDODI MOHANAN, ANDODI HOUSE,
ERANHIKKAL, ELATHUR KOZHIKODE.

2. DR.BALA GUHAN, SHAMIYANA,
MEDICAL COLLEGE-P.O., KOZHIKODE.

3. JAINAMMA JACOB, CHITHRAGIRI,
CHELLANGODE P.O., WAYNAD DISTRICT.

4. DR.M.G.VIJAYAKUMAR, SUPRABHA,
MANJUNATHA ROA ROAD, ERANHIPALAM, KOZHIKODE.

5. E.ANIRUDHAN, 39/1039, ANUBAU,
PUTHIYANGADI, KOZHIKODE.

6. DR.V.JAYAPRAKASH, 5.31,
ERANHIPALAM, KOZHIKODE.

7. K.P.MAHAMOOD, PLOT NO.A-55,
JAWAHAR NAGAR COLONY, KOZHIKODE - 6.

8. STATE OF KERALA, REPRESENTED BY THE
DISTRICT COLLECTOR, CIVIL STATION,
MALAPARAMBA, KOZHIKODE.

9. SPECIAL DEPUTY TAHSILDAR, (ARREAR
COLLECTION), PUTHIYARA KOZHIKODE.

R8 & R9 BY SR.GOVERNMENT PLEADER SMT.MEERA
SRI.C.P.MOHAMMED NIAS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04/07/2007
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1086 of 2002

Dated, this the 4th day of July, 2007

JUDGMENT

K.T.Sankaran, J.

The Calicut Development Authority challenges the judgment dated 24th January, 2002 in O.P.No.26182 of 2000. The said writ petition was disposed of along with other connected cases.

2. The Calicut Development Authority had filed W.A.No.1020 of 2002 and other connected appeals challenging the decision of the learned Single Judge. W.A.No.1020 of 2002 and connected matters were disposed of by judgment dated 30th June, 2006. It was noticed by the Division Bench that a consensus was arrived at between the parties before the District Lok Adalat, Kozhikode and a unanimous and bilateral package was evolved, acceptable to both parties. The said writ appeal was disposed of in the following manner:

> "4. When these writ appeals were taken up for hearing, the learned counsel appearing for the appellants brought to our notice a letter dated 25.5.06 from the Secretary to the Calicut Development Authority addressed to the learned counsel. It is seen that during the pendency of the cases before this Court, the matter was considered by the District Lok Adalath, Kozhikode and a unanimous and bilateral package has been evolved, acceptable to both parties. It is also stated that Government sanction is awaited in the matter. Still further, it is stated that the decision of the Adalath will benefit the allottees and safeguard the interest of the Calicut Development Authority. A copy of the communication referred to above will be marked as 'X' and the same will form part of the records.
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> 5. In that view of the matter, we do not think it necessary to go into the contentions taken by the parties. De hors the judgment of the learned Single Judge under appeal, parties have reached a settlement in the Lok Adalath and what is required is only the Government sanction.

> In the above circumstances, we dispose of these writ appeals making it clear that in case the appellant has any grievance with regard to the Government Order in the matter of implementation of the package evolved in the Lok Adalath, it will be open to the appellant to pursue the same in appropriate proceedings."

Accordingly, we also dispose of this writ appeal in terms of the judgment in W.A.No.1020 of 2002 and connected matters.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns